

FILED

JUL 22 2014

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

**IN RE DISPOSITION OF
INTERPLEADER FUNDS**

This Document Relates to All Actions

CV 13-98-BLG-SEH

ORDER

On June 18, 2014, the United States moved the Court for distribution of the interplead funds in these consolidated proceedings in accordance with a stipulation between Claimants United States, Vicki L. Davison, and David B. Rovig.¹

Defendant Patrick P. Davison neither stipulated to this agreement regarding distribution of the interplead funds or responded to the motion. Failure to respond to the motion may be deemed an admission that the motion is well-taken.²

¹ (*See* Doc. 62.)

² (*See* L.R. 7.1(d)(1)(B)(ii).)

This Court having reviewed the Stipulation for Distribution of Interplead Funds Between Claimants United States, Vicki L. Davison and David B. Rovig, and the Motion for Distribution pursuant to the terms of the Stipulation filed by the United States and supported by a brief, and having received no objection from Patrick P. Davison,

ORDERED:

The Court denies Patrick P. Davison's request as to claimed priority of payment in his Request for Disbursement of Funds for Payment of Income Taxes and Child Support filed in both of the consolidated proceedings.³ The parties to the Stipulation set forth above have clear perfected security interests in the interplead property that are in a superior lien position to any inchoate taxes that Patrick Davison may owe to the Internal Revenue Service or the Montana Department of Revenue.

FURTHER ORDERED:

The Clerk of Court is to Distribute the Interplead Funds as follows:

1. The sum of \$126,522.11 to be applied by the Clerk of Court to restitution in *United States v. Patrick Phillip Davison*, CR 06-141, BLG,RFC, for distribution pursuant to the criminal judgment.

³ (See Docs. 24; 23, respectively.)

2. The sum of \$12,059.10 shall be disbursed by the Clerk of Court in a check made jointly payable to David B. Rovig and his counsel Alan L. Joscelyn, by mailing the joint check to the address of record for counsel Alan Joscelyn.

3. The sum of \$56,981.65 shall be disbursed by the Clerk of Court in a check made jointly payable to Vicki L. Davison and her counsel Jeffrey A. Hunnes, by mailing the check to the address of record for counsel Jeffrey Hunnes.

DATED this 22nd day of July, 2014.



SAM E. HADDON

United States District Judge